

-PS-O-

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TOBIAS WALLS, 95-A-5397,,

Plaintiff,

-v-

08-CV-6002P

COMMISSIONER BRIAN FISCHER,  
SUPERINTENDENT J. CONWAY,  
SGT. DWAYNE A. PERRINE,  
C.O. JAMES W. HOLTZ, JR.,  
C.O. ROBERT R. GARBACZ and  
C.O. THOMAS PUTNAM, JR.,

**ORDER**

Defendants.

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Plaintiff, who is incarcerated in the Southport Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

**SO ORDERED.**

s/Michael A. Telesca  
MICHAEL A. TELESCA  
United States District Judge

Dated: February 13, 2008  
Rochester, New York